

Applicant : Jeffrey A. Lewno
Serial No. : 10/054,016
Page : 14

REMARKS

Receipt of the Office Action mailed August 14, 2003, is respectfully acknowledged. Claims 131, 132, 134, 135, 137, 139, 141, 143 and 145-190 remain in the application. Claims 133, 136, 138, 140, 142 and 144 have been cancelled. Claims 131, 134, 137, 139, 141, 143, 145, 151, 152, 156, 158, 159, 165, 166, 168, 181, 182 and 190 are amended herein.

In the specification, the patent number of the parent of this application has been added to the Cross Reference to Related Applications on page 1. A Terminal Disclaimer, signed by an officer of the assignee of the present invention, is attached with respect to U.S. Patent Nos. 5,853,895, 6,068,719, and 6,319,344 along with the disclaimer fee.

Reconsideration and allowance of this application including claims 131, 132, 134, 135, 137, 139, 141, 143 and 145-190, as amended, is respectfully requested in view of the above amendments, the attached Terminal Disclaimer and the following comments.

The Rejection Based on Non-Statutory Double Patenting

The Examiner rejected initially filed claims 131-190 under the judicially created non-statutory doctrine of obviousness-type double patenting as being unpatentable over claims 1-125 of U.S. Patent No. 5,853,895, claims 1-39 of U.S. Patent No. 6,068,719, and claims 1-15 of U.S. Patent No. 6,319,344. In response, a Terminal Disclaimer and the required disclaimer fee are submitted herewith under 37 C.F.R. 1.321 to obviate the double patenting rejection. The Terminal Disclaimer has been signed by an officer of the assignee of the present application. In view of the submission of this Terminal Disclaimer, it is respectfully submitted that the non-statutory, double patenting rejection is now obviated and should be withdrawn.

The Rejection Under 35 U.S.C. § 103(a)

Initially filed claims 131-190 were rejected under 35 U.S.C. § 103(a) as being unpatentable over a series of references as set forth in paragraph 5 of the Office Action. These claims define 1) a vehicular window assembly suitable for use in a vehicle (claims 131, 132, 134, 135, 137, 139, 141, 143 and 145-155), 2) a bonded vehicular assembly suitable for use in a vehicle (claims 156-167), as well as 3) a method for adhering an attachment member to a glass surface (claims 168-190). As set forth above, independent claims 131, 156, and

Applicant : Jeffrey A. Lewno
Serial No. : 10/054,016
Page : 15

168, have been amended to refer to a gasket for attachment to the glass panel or substrate for mounting a vehicular window assembly, or vehicular assembly or substrate and gasket combination to a vehicle, and a method for adhering a gasket to a glass surface for use in a vehicle. No new matter has been added.

In claim 131, as amended, a vehicular window assembly suitable for use in a vehicle is defined, the window assembly comprising a glass panel having a first surface and an opposing second surface, and a gasket for attachment to the glass panel for mounting the window assembly to the vehicle. The gasket comprises at least one of a rigid polymeric material and a flexible polymeric material, said gasket disposed adjacent at least a perimeter portion of said first surface. The glass panel and gasket are joined by an adhesive layer, the adhesive consisting essentially of urethane. The urethane adhesive is disposed between the first surface of the glass panel and the gasket and the layer of urethane adhesive is cured to form a load bearing joint suitable for use on the vehicle. The layer of cured urethane adhesive bonds the gasket to the first surface of the glass panel prior to installation of the assembly in the vehicle and without exposure of the bonded gasket on the second surface of the panel. The joint including the urethane adhesive is capable of withstanding a localized tensile load of at least five pounds per square inch without failure due to separation from the underlying glass, the localized tensile load being applied in a temperature range of -40°C to 100°C, and the cure of the joint being accelerated by at least one of a) heating and b) at least one chemical agent. The assembly also includes an attachment member adhesively attached to the first surface of the glass panel at a location spaced from the gasket.

Claim 156, as amended, defines a bonded vehicular assembly suitable for use in a vehicle, the assembly comprising a glass substrate having a first surface and an opposing second surface, and a gasket for attachment to the glass substrate for mounting the vehicular assembly to a vehicle. The gasket comprises at least one of a rigid polymeric material and a flexible polymeric material, said gasket disposed adjacent at least a perimeter portion of said first surface. A layer of urethane adhesive is disposed between and bonds the first surface of the glass substrate to the gasket and is cured to form a load bearing joint suitable for use on the vehicle. The layer of cured urethane adhesive bonds the gasket to the first surface of the glass substrate prior to installation of the assembly in the vehicle and without exposure of the bonded gasket on the second surface of the substrate. The joint including the urethane

Applicant : Jeffrey A. Lewno
Serial No. : 10/054,016
Page : 16

adhesive is capable of withstanding a localized tensile load of at least five pounds per square inch without failure due to separation from the underlying glass, the localized tensile load being applied in a temperature range of -40°C to 100°C, and the cure of the joint being accelerated by at least one of a) heating and b) at least one chemical agent.

Claim 168, as amended, defines a method of adhering a gasket to a glass surface for use in a vehicle. The method comprises providing a substrate having a glass surface and an opposing second surface and providing a gasket to be adhered to the glass surface. The gasket is adapted for attachment to the glass surface for mounting the substrate and gasket to a vehicle. The gasket has a mounting surface of less than about six square inches and comprises at least one of a rigid polymeric material and a flexible polymeric material, said gasket disposed adjacent at least a perimeter portion of said first surface. The method includes providing a urethane adhesive, depositing an effective amount of urethane adhesive on at least one of the gasket mounting surface and glass surface, and positioning the gasket and substrate such that the urethane adhesive is disposed between and contacts the gasket and at least a portion of the glass surface of the substrate without exposure of the gasket on the opposing second surface of the substrate. The method further includes curing the urethane adhesive to form a load bearing joint between the gasket and the said portion of the glass surface of the substrate including accelerating the curing by at least one of a) heating and b) at least one chemical agent whereby the joint which is formed is capable of withstanding a localized tensile load of at least five pounds per square inch when the load is applied at a temperature in the range of -40°C to 100°C.

In addition, certain of the dependent claims have been amended to refer to the amended language of independent claims 131, 156 and 168.

Applicant's amended claims clarify and distinguish this invention from the disclosure of Repp et al. 5,551,197 taken alone or in combination with any of the secondary references Mulhaupt et al. 4,963,636, SAE Technical Paper 910758 by Csokasy et al., Bravet et al. 5,529,655, Bamford et al. 3,282,014, Jackson 5,072,984, Kronbetter 5,294,168, Friese et al. 4,793,099, Schmucker 5,508,111, Sartelet et al. 5,338,767, Morgan et al. 4,364,214, Goel 4,743,672, BETAMATE® Technical Bulletin 73100/73003, BETAMATE® Structural Adhesives Data Table, and Schurmann 4,995,666. Taken individually and collectively, the references of record fail to disclose, teach or suggest Applicant's claimed vehicular window

Applicant : Jeffrey A. Lewno
Serial No. : 10/054,016
Page : 17

assembly, vehicular assembly for use in a vehicle, or method of adhering a gasket to a glass surface for use in a vehicle. More specifically, the references fail to disclose a layer of cured urethane adhesive bonding a gasket to a glass panel or substrate prior to installation of the assembly in a vehicle and without exposure of the bonded gasket on the second surface of the glass panel or substrate where the joint including the urethane adhesive is capable of withstanding a localized tensile load of at least 5 pounds per square inch without failure due to separation from the underlying glass, where the localized tensile load is applied in a temperature range of -40°C to 100°C, and the cure of the joint is accelerated by at least one of a) heating and b) at least one chemical agent or the method wherein the gasket has a mounting surface of less than about six square inches and the gasket is positioned on the glass surface of the substrate such that the urethane adhesive is disposed between and contacts the gasket and at least a portion of the surface of the substrate without exposure of the gasket on the opposing second side of the substrate and curing the urethane adhesive to form a load bearing joint between the gasket and glass surface including accelerating the curing by at least one of a) heating and b) at least one chemical agent such that the joint formed is capable of withstanding a localized tensile force of at least five pounds per square inch when the load is applied at a temperature in the range of -40°C to 100°C.

While Repp et al. '197 teaches a vehicular window assembly using several adhesives, it does not disclose, teach or suggest a window assembly, a bonded vehicular assembly, or a method, as defined by Applicant's amended claims.

Likewise, the secondary references fail to add any disclosure missing from Repp et al. to arrive at Applicant's window assembly, vehicular assembly or method as set forth in the amended claims. Further, even if combined, the references would fail to disclose Applicant's combination of elements or method steps as set forth in the amended claims.

Accordingly, it is respectfully submitted that, in view of the above amendments and the Terminal Disclaimer and Disclaimer fee submitted herewith, that claims

Applicant : Jeffrey A. Lewno
Serial No. : 10/054,016
Page : 18

131, 132, 134, 135, 137, 139, 141, 143 and 145-190, as amended, are now allowable and a Notice of Allowance is respectfully requested, therefore.

Respectfully submitted,

JEFFREY A. LEWNO

By: Van Dyke, Gardner, Linn & Burkhart, LLP

November 14, 2003
Date

Donald S. Gardner
Donald S. Gardner
Registration No. 25 975
Van Dyke, Gardner, Linn & Burkhart, LLP
2851 Charlevoix Drive, S.E.
P.O. Box 888695
Grand Rapids, MI 49588-8695
(616) 975-5502

DSG/ram